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PTO/SB/21 (08-03)

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/080,920
		Filing Date	February 20, 2002
		First Named Inventor	SIRHAN, MOTASIM
		Art Unit	3731
		Examiner Name	WEBB, SARAH K.
Total Number of Pages in This Submission		Attorney Docket Number	020460-000230US

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Nena Bains Reg. No. 47,400
Signature	
Date	June 21, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Gigi Hoover		
Signature		Date	June 21, 2004



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On June 21, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Gigi Hoover

PATENT

Attorney Docket No.: 020460-000230US

Client Ref. No.: 113.09

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

SIRHAN, Motasim et al.

Application No.: 10/080,920

Filed: February 20, 2002

For: EXCHANGEABLE CATHETER

Customer No.: 20350

Confirmation No. 1180

Examiner: WEBB, Sarah K.

Technology Center/Art Unit: 3731

**Response to Restriction Requirement**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed May 21, 2004, please enter the following remarks.

In the Office Action, the Examiner required restriction to one of the following inventions, as required under 35 U.S.C. 121:

- I. Claims 1-107 and 132-155, drawn to a balloon catheter, classified in class 604, subclass 96.01;
- II. Claims 108-159, drawn to a method for introducing a catheter, classified in class 623, subclass 903.

III. Claims 160-166, drawn to a balloon catheter kit, classified in class 606, subclass 194.

As to Group I in paragraph 5 of the Office Action, the Examiner required an election from ten (a-j) patentably distinct species, wherein election of species (a) and (d)-(j) further required a sub-specie election. Examiner required the election of a single species for prosecution on the merits to which the claims would be restricted if no generic claim is finally held allowable, and indicated that currently no claims are generic.

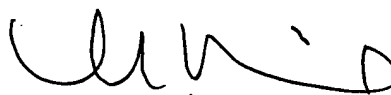
As an initial matter, Applicants request re-examination and reconsideration of the Restriction Requirement. In particular, Applicants believe that **only** claims 108-131 and 156-159 should be included in Group II as they are drawn to a method for introducing a catheter. Claims 132-155 should not be included in Group II. Rather, as already acknowledged by the Examiner, claims 132-155 should be included in Group I as they are drawn to a balloon catheter.

Accordingly, in response to the restriction requirement and election of species, Applicants hereby elect Group I, species (b) directed at Figs. 5A and 5B. Applicants believe claims 1-4, 11-32, 35-39, 45-49, 69-74, 76-85, 91, 97-101, 103, 105, 107, 132-155 read on this election.

Applicants respectfully submit that claims 1-3 are generic claims with respect to the pending dependent claims.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Nena Bains  
Reg. No. 47,400

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